

08-30416.7.1: Motion for Relief Stay: Proposed Order Entered: 11/17/2008 2:59:35 PM by: Joel Fonferko Page 1 of 2

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

IN RE:

Emanuele Torelli

Case No.: 08 B 30416

Chapter: 7

Debtor(s) Judge Carol A. Doyle

ORDER MODIFYING THE AUTOMATIC STAY

THIS CAUSE coming to be heard on the motion of FIFTH THIRD MORTGAGE COMPANY, a secured creditor herein, for relief from the automatic stay, the Court having jurisdiction over the subject matter and due notice having been given; and the Court finding that the mortgage held by said creditor is in default and that the security interest of said creditor is not adequately protected:

WHEREFORE, IT IS HEREBY ORDERED:

(1) Pursuant to 11 U.S.C. §362(d), that FIFTH THIRD MORTGAGE COMPANY its principals, agents, successors and/or assigns is granted relief from the automatic stay provisions of 11 U.S.C. §362(a) by modifying said stay to permit them to pursue their state court remedies as to the property commonly known as 767 Schooner Lane, Elk Grove Village, IL.

(2) Rule 4001(a)(3) is not applicable and FIFTH THIRD MORTGAGE COMPANY may immediately enforce and implement this order granting relief from the automatic stay.

ENTER:

DATED: 1/29/09


UNITED STATES BANKRUPTCY JUDGE

Berton J. Maley ARDC#6209399
Gloria C. Tsotsos ARDC# 6274279
Jose G. Moreno ARDC#6229900
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